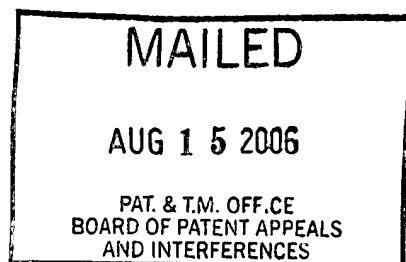




UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Michael P. Tierney
Telephone: 571-272-9797
Facsimile: 571-273-0042



Applicants: YU
Application No.: 09/589,288
Filed: 06/08/00
For: Methods of inhibiting B lymphocytes using
antibodies to neutrokin-alpha

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,485.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Michael P. Tierney/
MICHAEL P. TIERNEY
Administrative Patent Judge

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Paper 1

Filed August 15, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

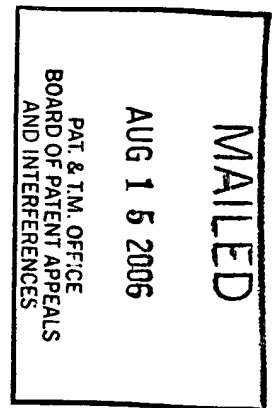
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JEFFREY **BROWNING**, CHRISTINE AMBROSE,
FABIENNE MacKAY, JURG TSCHOPP, and PASCAL SCHNEIDER,
Junior Party
(U.S. Patent No. 6,869,605),

v.

GUO-LIANG YU, REINHARD EBNER,
and JIAN NI
Senior Party
(U.S. Application No. 09/589,288).

Patent Interference No. 105,485 (MPT)
(Technology Center 1600)



DECLARATION - Bd.R. 203(b)¹

- 1 Part A. Declaration of interference
- 2 An interference is declared (35 U.S.C. ' 135(a)) between the above-identified parties.
- 3 Details of the application(s), patent (if any), reissue application (if any), count(s) and claims

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of
2 this DECLARATION.

3 Part B. Judge managing the interference

4 Administrative Patent Judge Michael P. Tierney has been designated to manage the
5 interference. Bd. R. 104(a).

6 Part C. Standing order

7 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION.
8 The STANDING ORDER applies to this interference.

9 Part D. Initial conference call

10 A telephone conference call to discuss the interference is set for **2:00 p.m. on October**
11 **10, 2006** (the Board will initiate the call).

12 No later than **four business days** prior to the conference call, each party shall file and
13 serve (SO §§ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO §§ 104.2.1, 120
14 & 204) the party intends to file.

15 A sample schedule for taking action during the motion phase appears as Form 2 in the
16 STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference
17 call and to agree on dates for taking action. A typical motion period lasts approximately eight
18 (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

1 Part E. Identification and order of the parties

2 Junior Party

3 Named inventors: JEFFREY BROWNING, BROOKLINE, MA
4 CHRISTINE AMBROSE, READING, MA
5 FABIENNE MacKAY, VAUCLUSE, AUSTRALIA
6 JURG TSCHOPP, EPALINGES, SWITZERLAND
7 PASCAL SCHNEIDER, EPALINGES, SWITZERLAND
8 Involved Patent: U.S. Patent No. 6,869,605, issued on March 22, 2005,
9 based upon U.S. Application No. 09/911,777
10 Title: BAFF, INHIBITORS THEREOF AND THEIR USE IN
11 THE MODULATION OF B-CELL RESPONSE
12 Assignee: Biogen Idec MA Inc.

13
14 Senior Party

15 Named Inventors: GUO-LIANG YU, BERKELEY, CA
16 REINHARD EBNER, GAITHERSBURG, MD
17 JIAN NI, ROCKVILLE, MD
18 Involved Application: U.S. Application No. 09/589,288, filed June 8, 2000
19 Title: METHODS OF INHIBITING B LYMPHOCYTES USING
20 ANTIBODIES TO NEUTROKINE-ALPHA
21 Assignee: Human Genome Sciences, Inc.

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO § 154.2.1. The senior party is responsible for initiating settlement discussions. SO § 126.1.

Part F. Count and claims of the parties

Count 1

A method according to claim 1 of U.S. Patent No. 6,869,605 or claim 195 of U.S. Application No. 09/589,288.

The claims of the parties are:

Browning, U.S. Patent No. 6,869,605: 1-14

Yu, U.S. Application No. 09/589,288: 195-207

The claims of the parties which correspond to Count 1 are:

Browning, U.S. Patent No. 6,869,605: 1-14

Yu, U.S. Application No. 09/589,288: 195-207

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Browning, U.S. Patent No. 6,869,605:	None
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Yu, U.S. Application No. 09/589,288:	None
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1 The parties are accorded the following benefit for Count 1:

2 Browning is accorded priority benefit of the following applications:

- 3 i) PCT/US00/01788, filed January 25, 2000;
4 ii) U.S. Provisional Application No. 60/143,288, filed July 9, 1999;
5 iii) U.S. Provisional Application No. 60/117,169, filed January 25, 1999.

6
7 Yu is accorded priority benefit of the following applications:

- 8 i) U.S. Application No. 09/507,968, filed February 22, 2000, now U.S. Patent No.
9 6,812,327, issued November 2, 2004;
10 ii) U.S. Provisional Application No. 60/122,388, filed March 2, 1999;
11 iii) U.S. Application No. 09/255,794, filed February 23, 1999, issued as U.S. Patent
12 No. 6,716,576 on April 6, 2004;
13 iv) U.S. Application No. 09/005,874, filed January 12, 1998, issued as U.S. Patent
14 No. 6,689,579 on February 10, 2004.

1 Part G. Heading to be used on papers

2 The following heading must be used on all papers filed in this interference, see SO
3 § 106.1.1:
4

5 UNITED STATES PATENT AND TRADEMARK OFFICE
6
7

8 BEFORE THE BOARD OF PATENT APPEALS
9 AND INTERFERENCES
10
11

12 JEFFREY BROWNING, CHRISTINE AMBROSE,
13 FABIENNE MacKAY, JURG TSCHOPP, and PASCAL SCHNEIDER,
14 Junior Party
15 (U.S. Patent No. 6,869,605),
16

17 v.
18

19 GUO-LIANG YU, REINHARD EBNER,
20 and JIAN NI
21 Senior Party
22 (U.S. Application No. 09/589,288).
23

24
25
26 Patent Interference No. 105,485 (MPT)
27 (Technology Center 1600)
28
29

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31
32 Part H. Order form for requesting file copies

33 When requesting copies of files, use of SO Form 4 will greatly expedite processing of the
34 request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle
35 around the patents and applications for which a copy of a file wrapper is requested.

36
37 /Michael P. Tierney/
38 MICHAEL P. TIERNEY
39 Administrative Patent Judge

1 Enc:
2 Copy of STANDING ORDER
3 Copy U.S. Patent 6,869,605
4 Copy of claims of U.S. Application No. 09/589,288
5
6 Revised 3 January 2006
7
8
9 cc (via overnight delivery):
10
11 Attorney for **BROWNING**:
12
13 FINNEGAN, HENDERSON, FARABOW,
14 GARRETT & DUNNER LLP
15 901 New York Avenue, N.W.
16 Washington, D.C. 20001-4413
17
18 Attorney for YU:
19
20 HUMAN GENOME SCIENCES, INC.
21 Intellectual Property Department
22 14200 Shady Grove Road
23 Rockville, MD 20850

INTERFERENCE DIGEST

Interference No. 105,485

Paper No.

Name: Guo-Liang Yu et al.

Serial No.: 09/589,288

Patent No.

Title: Methods of inhibiting B lymphocytes using antibodies to neutrokin- α

Filed: 06/08/00

Interference with Browning et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.